



January 26, 2023

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Via ECF Only

Honorable Jennifer H. Rearden
United States District Judge
United States District Court
Southern District Court of New York
500 Pearl Street
New York, New York 10007

Re:	Stephen Gannon, individually and on behalf of all others similarly situated, v. 259 Broome LLC, Two Bikes, LLC, and John Does 1-X
Docket No.	1:22-CV-1684 (MKV)
File No:	24529.00001

Dear Judge Rearden:

Our office represents Defendant/Cross-Claimant 259 Broome LLC (“259 Broome”) in the above-referenced matter. Pursuant to Your Honor’s Rule 2(E), we write with the consent of Plaintiff Stephen Gannon and co-Defendant/Cross Defendant Two Bikes, LLC to respectfully request an adjournment of the January 30, 2023 Initial Pre-Trial Conference and of the attendant due dates for the parties’ joint letter and proposed scheduling order as a result of the Parties having reached a resolution agreement in principle.

By way of background, the Initial Pre-Trial Conference before Judge Vyskocil was rescheduled twice, first as a result of a scheduling conflict for 259 Broome and second due to a medical request from Plaintiff’s counsel. *See* Dkt. Nos. 22 to 25. The Initial Pre-Trial Conference is currently scheduled for January 30, 2023 at 10 a.m. before your Honor. However, in light of the settlement in principle between Plaintiff and Defendants, we respectfully request that same and the attendant deadlines for the submission of the joint letter and proposed schedule be adjourned *sine die* pending finalization of the settlement agreement.¹

¹ The Parties bring to your Honor’s attention the fact that Plaintiff previously submitted a letter to Judge Vyskocil requesting similar relief, however, the request was not granted prior to the case reassignment to Your Honor. *See* Dkt. No. 26.




As it relates to 259 Broome's cross-claims against Defendant Two Bikes, counsel are discussing the resolution of same and intend to finalize an agreement between the Defendants, regarding tender and indemnification, by February 13, 2023.

All prior requests have been granted, in their entirety, by Judge Vyskocil. In addition, there is currently no scheduling order in place that would require further adjournments.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

Wilson Elser Moskowitz Edelman & Dicker LLP


Celena Mayo
Michael Guttman
Yusha D. Hiranman

The request is GRANTED. The deadlines for submitting the joint letter and proposed schedule are adjourned *sine die*.

The parties shall file a joint status letter by February 14, 2023.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.

Date: Jan 30, 2023